- 1 the drawer, was she?
- 2 A Not as far as I know.
- 3 Q She was, was she asked to place any documents in
- 4 the Public File?
- 5 A Not as far as I know.
- 6 Q Was she asked to take any documents out of the
- 7 Public File?
- 8 A Not as far as I know.
- 9 MR. SHOOK: Do you want to take a break?
- MS. REPP: I was going to ask.
- 11 MR. SHOOK: I'm clairvoyant. Off the record.
- 12 (Off the record at 11:16 a.m.)
- 13 (Back on the record at 11:21 a.m.)
- MR. SHOOK: Back on the record.
- 15 BY MR. SHOOK:
- 16 Q Now, when we left off, Mr. Helgeson, the period of
- 17 time that we were focusing on was the January 1998 period
- when this declaration that we have been talking about was
- 19 executed. And if I remember right, at this point in time
- 20 Mr. Ramirez is still the Station Manager of KALW?
- 21 A Yes.
- 22 O And was it known to you, in January of 1998, that
- 23 Mr. Ramirez was on the verge of departing the station?
- 24 A To the best of my knowledge I learned, it was at
- 25 the very end of the month that I learned. It was a very

- tense time for us all but as far as him leaving, it came as
- 2 a shock at the end of January.
- 3 Q Between the time you learned that he was leaving,
- 4 how much time transpired before you were informed that you
- 5 were going to be the acting Station Manager for the station?
- A About two days I think. As I recall, he may have
- 7 told me on a Tuesday that Friday was going to be his last
- 8 day. And I recall a meeting that day, the next day, with
- 9 Mr. Palacios, where he said, instructed me just to make sure
- 10 everything, you know, be more of a caretaker until we decide
- 11 what's going to happen next.
- 12 Q Here's the laurel wreath, it's all yours, huh?
- 13 A Yeah.
- 14 Q In January of 1998, around the time the
- declaration was executed, did you personally go through the
- 16 station Public File to see what was there?
- 17 A No, I didn't.
- 18 O Did there ever come a time when you went through
- 19 the station's Public File to see what was there?
- 20 A To inventory it and see if specific items were
- 21 there?
- 22 Q Correct.
- 23 A No.
- Q Or more generally, to look through it to see what
- 25 was there and what wasn't there?

- A No. I didn't have a need. It was one of those, I
- 2 didn't feel I had the need to look for something specific,
- 3 no.
- 4 Q During the period of time when you were acting
- 5 Station Manager, did you ever ask anyone at the station to
- 6 look the Public File drawer to tell you what was there and
- 7 what wasn't there?
- 8 A In that period in 1998, I don't recall doing that,
- 9 no.
- 10 Q And during the period 2000 to 2001, did you do it
- 11 then?
- 12 A I recall at that point, in early 2001, going
- through there and I was still the GM, at that point I didn't
- 14 know exactly when Nicole Sawaya was, when she was going to
- 15 be appointed, you know, it was still kind of in abeyance,
- 16 and felt one of the things I should do was really make sure
- 17 that this Public File at this point is brought up to, you
- 18 know, at that point take a look and see what was in there,
- or if something needed to be put in, put it in.
- 20 Q So, this would have been in early 2001 you would
- 21 have looked at the file drawer to see what was there?
- 22 A Yes.
- 23 Q And was it in connection with any -- or how did it
- 24 come about that you chose to look at the Public File drawer
- 25 at that point in time?

- 1 A Most likely --
- 2 Q No, from what you remember. This isn't a task
- 3 that we would necessarily want to do because it's so much
- 4 fun, and this is something that you're now acting Station
- 5 Manager, you've been so for a couple of months and all of a
- 6 sudden now you're going to be looking through the Public
- 7 File drawer. Is there anything that you can recall that
- 8 triggered your action in doing that?
- 9 A I believe it was a conversation with Mr. Sanchez.
- 10 MS. REPP: Bill --
- 11 THE WITNESS: But, I may have had -- I'm sorry.
- 12 MS. REPP: If you could keep your responses on
- this general and again not get into the specifics of what
- 14 Mr. Sanchez advised you.
- 15 THE WITNESS: Okay. I don't recall for certain at
- 16 that point, I couldn't say with certainty my, what caused my
- 17 action at that point other than it's time to take a look at
- it, what caused me to go into that in 2001 other than
- 19 should.
- 20 BY MR. SHOOK:
- 21 Q So, for whatever reason, you're now looking at the
- 22 station Public File and that's basically for the first time
- 23 that you're looking through it?
- 24 A For specifically overall content, yes, overall
- 25 what should be in a Public File versus what is in the Public

- 1 File, yes.
- 2 Q As a result of that review, what did you
- 3 personally do, you went through -- let me start over again.
- 4 You went through the Public File drawer, you opened it up
- 5 and you started to look through and see what was there?
- 6 A Yes.
- 7 Q Now, after doing that what did you do?
- 8 A After doing that it appeared to me that what was
- 9 missing, or what should have been there, in my opinion, that
- 10 wasn't there were issues covering certain periods. There
- 11 seemed to be periods of time right up -- that there was no
- information there regarding what programs and issues for
- 13 certain periods of time.
- 14 Q And what did you do as a result of that, you know,
- 15 coming to that conclusion?
- 16 A Sure. I said, what can I legitimately put in the
- file that would, so that if someone were to look at it,
- accurately be able to see, ah ha, this is what they were
- 19 doing, you know, over a certain period of time.
- 20 Q When you came to the conclusion that there were
- 21 documents that were missing from the Public File that should
- 22 have been there, did you talk with Mr. Ramirez as to how it
- was, you know, that you came to that conclusion?
- 24 A No, this was in 2001.
- 25 Q No, I recognize that by this time he's gone.

- 1 A Yes.
- 2 Q But because he was your Station Manager at a
- 3 certain point in time and there were allegations made that
- 4 concerned Mr. Ramirez and his activities with respect to the
- 5 Public File, my question is, when you looked, in 2001, and
- 6 saw what you saw, did you then call Mr. Ramirez to discuss
- 7 with him whatever problems you thought may have existed?
- 8 A No, I didn't.
- 9 Q Did you discuss with anyone the problems that you
- 10 thought may have existed?
- 11 A I don't recall discussing with anyone.
- 12 Q Did you bring to anyone's attention that there
- might be documents that were missing, that should have been
- 14 there?
- 15 A At the time I may have brought it to -- and this
- 16 may -- my time line may be off on this, what I'm saying
- 17 here, because this may be shortly or also when Nicole Sawaya
- 18 came on in 2001, that we believed that there were -- that we
- 19 had to put in an Ownership Report in the file, or even file
- 20 it with the FCC for a period of 2001, there should have been
- one in there. And at that point we, and I can't recall if
- 22 it was I who did it before Nicole Sawaya did it, or before
- Nicole Sawaya came in, or probably or maybe after she came
- on, because I know that Jackie Wright, who was at that point
- 25 the School District Administrator responsible for the

- 1 station, signed those. My recollection is she didn't come
- on until early 2001, only a couple of months before Nicole
- 3 Sawaya did, so I can't remember the exact time line of her
- 4 signing the Ownership Reports, if they were before or after
- 5 Nicole Sawaya came on in March.
- 6 Q So, at this point, in early 2001, you've looked at
- ·7 the station Public File?
- 8 A Yes.
- 9 Q And at the least there is an Ownership Report that
- 10 you think should be there but is not there?
- 11 A Uh-hum.
- 12 Q And did you then prepare that Ownership Report?
- 13 A I believe that I did or I did with Nicole if she
- was there at that point, in early 2001.
- Okay. Now, Nicole came to the station roughly
- 16 when?
- 17 A Approximately first of March.
- 18 O Did you ever discuss with Nicole that there were
- documents that should have been in the Public File that
- 20 weren't there?
- 21 A By the time she got -- after she became General
- 22 Manager, she was aware that I was preparing -- we were also
- 23 -- that I was preparing some documents, that that was
- something that I had seen needed to be done. And so that
- 25 was one of the first things I discussed with her when she

- 1 started.
- MR. SHOOK: We're going to have to go off again.
- 3 (Off the record at 11:33 a.m.)
- 4 (Back on the record at 11:40 a.m.)
- 5 MR. SHOOK: Back on the record.
- BY MR. SHOOK:
- 7 Q Mr. Helgeson, did the Commission's February 5,
- 8 2001 letter come to your attention?
- 9 A I believe it came, it's addressed to Mr. Sanchez,
- 10 it didn't come -- if I got it, it would have come from
- 11 Mr. Sanchez.
- 12 Q Right. I recognize that the letter is addressed
- 13 to Mr. Sanchez. My question is, did a copy of the letter
- 14 eventually come to you?
- 15 A I don't recall if I saw the letter.
- 16 Q Now, your counsel for SFUSD had read you questions
- or directives, I guess is more properly the way to put it,
- 18 one, two, four and five. Do you recall having those
- 19 directives sent to you for some kind of action?
- 20 A I may have had a conversation with --
- MS. REPP: Yeah, I think your concern is -- can we
- 22 rephrase the question in a way that might be easier for
- 23 Mr. Helgeson to answer and not get into details of
- 24 conversations.
- 25 MR. SHOOK: I'll see if I can do that.

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- 2 Q Looking at directive one, directive one reads, 'On
- 3 August 1, 1997 when the subject license renewal application
- 4 was filed, did the KALW FM Public Inspection File contain
- 5 all the Ownership and supplemental Ownership Reports
- 6 required to be kept in the file by then Section 73.3527.'
- 7 Did you recall, do you recall having to respond in anyway to
- 8 that directive?
- 9 A My recollection is that that had been responded to
- in the 1998 directives, in our pleadings as far as that was
- one of the charges of GGPR in their license challenge. My
- 12 recollection is that that had been answered already, either
- 13 through paperwork submitted by our attorney.
- 14 Q So, you do not recall in -- now this would have
- been at a point in time when you were acting Station Manager
- 16 but roughly also about the time Ms. Sawaya was going to
- 17 start as General Manager?
- 18 A February 2001 she hadn't started yet.
- 19 Q She hadn't started yet. So, in February 2001
- you're still acting Station Manager, and the Commission has
- 21 sent the letter, and in that letter there are five
- 22 directives. And the first directive, it appears simply
- calls for a yes/no response and then of course we can always
- 24 provide an explanation if we want to add additional
- 25 information, but the directive itself is relatively

- 1 straightforward, it basically asks for a yes/no response.
- 2 And my question is, did this directive number one, come to
- 3 you for a yes/no response?
- 4 A I can't recall if I was asked for a yes/no
- 5 response.
- 6 Q Directive number two reads, 'On August 1, 1997,
- 7 did KALW FM Public Inspection File contain all of the
- 8 Issues/Programs List required by then Section 73.3527?' And
- 9 then a second question in directive two, 'Did any lists that
- were in the file contain the information required by Section
- 11 73.3527?' And then there's the footnote three that your
- 12 counsel had read to you before that explains what's in the
- 13 rule itself. Did directive number two come to your
- 14 attention for a yes/no response?
- 15 A I can't recall.
- 16 Q Moving to directive four, 'If the answer to any of
- 17 the above questions', and there were three of them, 'is no,
- 18 detail when and precisely what steps were instituted to
- 19 correct any problem and ensure that the Public Inspection
- 20 File contained all requisite materials.' Do you recall
- 21 providing any information whatsoever in response to
- 22 directive number four?
- 23 A I don't know how to say this, my only -- I had
- 24 conversations with our attorney.
- MS. REPP: I think perhaps that's what you need to

- 1 say. May I just ask, was the specific question presented to
- you, did you have either the letter or a summary of the
- 3 letter --
- 4 THE WITNESS: I don't recall --
- 5 MS. REPP: -- read to you or emailed to you?
- 6 THE WITNESS: I don't recall getting that from
- 7 the attorney.
- 8 MS. REPP: But, you do recall providing
- 9 information to assist in the response of SFUSD to the FCC on
- 10 this specific question?
- 11 THE WITNESS: I don't recall what information I
- 12 provided or what I was asked to provide at that time.
- 13 MS. REPP: You recall an effort to provide
- 14 information but you don't recall the specifics of the
- 15 effort?
- 16 THE WITNESS: I remember -- I don't recall -- I'm
- 17 having trouble recalling exactly what was requested or what,
- 18 you know, to do this or check to make sure that, I don't
- 19 recall the specifics other than to, you know, let's make,
- you know, it would be a good -- I don't know.
- MS. REPP: Are you concerns, because I know we've
- talked about the attorney/client privilege, are you
- 23 concerned that you're getting into that arena?
- 24 THE WITNESS: Yes, I mean my conversations at this
- point in February would have been pretty much with regarding

- the Public File in any sense, would have been just with our
- 2 attorney.
- MS. REPP: Well, on that basis do we have enough
- 4 information on this line of questioning, given that we are
- 5 bumping into the attorney/client privilege?
- 6 MR. SHOOK: I think we have enough with respect to
- 7 directive four. I was going to move on to directive five.
- 8 MS. REPP: Go ahead.
- 9 BY MR. SHOOK:
- 10 Q Directive five reads, 'As of the date of this
- letter', and that's February 5, 2001, ' is the KALW FM
- 12 Public Inspection File now complete?' And then there's a
- 13 subpart (a), which reads, 'If the answer to any of questions
- 14 1-3 above is no, and presuming that the Public Inspection
- 15 File is now complete and current, give the date on which the
- 16 KALW FM Public Inspection File contained all required
- materials.' So, really you're looking at a couple of
- 18 questions or directives here, the first being a relatively
- 19 straightforward yes/no, is the Public Inspection File
- 20 complete as of February 5, 2001? Do you recall that
- 21 directive being given to you?
- 22 A I recall approximately that time that could have
- 23 been very likely could have been what prompted me to go into
- the KALW Public File at that time, after not looking at it.
- 25 Q Now, so you've now looked, you're now looking at

- the KALW Public Inspection File and conceivably it's in
- 2 response to this directive, which is, is the file now
- 3 complete?
- 4 A Right.
- 5 Q What assessment did you make as a result of
- 6 looking in the Public Inspection File?
- 7 A I made an inventory where I believed things, there
- 8 should be things in there. It didn't look to me to be
- 9 complete because I obviously was putting documents in there,
- in no sense trying to fool anybody, given the dates, I mean
- I put them in there at that date, because I had not looked
- 12 at the Public File before then for anything. That was my
- first, you know, I was looking there, said ah ha, we need
- to, you know, there's issues in this period of time, I can't
- 15 find something for this period of time or this period of
- 16 time, and so I did my earnest effort to put something in
- 17 there for that period of time.
- 18 Q No pun intended, earnest effort?
- 19 A No, no pun intended. Thank you.
- 20 Q Okay. So, if I'm understanding what you just told
- 21 me, if you were to respond directly to directive number
- 22 five, which is 'as of the date of this letter is the KALW FM
- 23 Public Inspection File now complete', on the basis of what
- 24 you've just told me, the yes/no response to that directive
- 25 should be no?

- 1 A I would say it should be no. That included
- 2 information certainly, you know -- yes.
- 3 Q With that being the case, with that answer that it
- 4 should have been no, the next part, the subpart of the
- 5 directive reads, 'If the answer to any of the questions 1-3
- 6 above', and that had to do with the Ownership Reports,
- 7 whether they were in there, the Programs Issues List,
- 8 whether they were in there, and the third directive, which
- 9 we really haven't concerned ourselves with, was the donor
- 10 list, if any of those, the answers to that were no, and
- 11 presuming that the Public Inspection File is now complete
- and current, give the date on which the KALW FM Public
- 13 Inspection File contained all required materials. In other
- 14 words, you would have been providing a date that the file
- 15 wasn't complete but you've taken care of that and it's now
- 16 complete, so there would have been a date. Do you recall
- 17 providing such a date?
- 18 A I don't recall providing such a date, saying,
- 19 okay, it's now this date, it is now --
- 20 Q Right, it is March 2, 2001 and voila everything is
- 21 here?
- 22 A I hereby certify, yeah, I don't recall providing
- 23 that date.
- MR. SHOOK: Unfortunately we're going to have to
- go through this exercise again. We'll be off the record.

- 1 (Off the record at 11:52 a.m.)
- 2 (On the record at 11:58 a.m.)
- MR. SHOOK: Back on the record.
- 4 BY MR. SHOOK:
- 5 Q Mr. Helgeson, counsel for SFUSD has just read to
- 6 you the five paragraphs that constitute the body of a
- 7 declaration, and the title of the declaration is
- 8 'Declaration of William Helgeson', and it reflects that it
- 9 was executed on April 5, 2001, and there is a signature that
- 10 appears above the typed name William Helgeson. Do you
- 11 recognize that signature?
- 12 A Yes.
- 13 Q And is that signature yours?
- 14 A Yes.
- 15 Q Do you recall signing the original of this
- 16 declaration?
- 17 A I couldn't say I recall signing the original three
- 18 years ago, three and a half years ago, but it does look
- 19 familiar.
- 20 O Do you have any reason to believe that that is not
- 21 your signature?
- 22 A No.
- 23 O Now, in terms of the contents of the declaration
- 24 itself, did you draft this declaration?
- 25 A No, I didn't.

- 1 Q Do you know who did?
- 2 A It was provided to me but I'm not, I do not know.
- 3 Q Did you provide anyone the factual information
- 4 that, for example, paragraph one, 'My name is William
- 5 Helgeson', that's relatively straightforward, 'my address
- is', did you provide anyone your current home address?
- 7 MS. REPP: I object to the extent it's getting
- 8 into attorney/client privilege. Is there another way we can
- 9 -- I mean we can ask about --
- 10 MR. SHOOK: All right.
- 11 BY MR. SHOOK:
- 12 Q Let me put it to you this way, is the information
- that 'my address is 184 Bonview Street, San Francisco,
- 14 California' correct?
- 15 A Yes.
- 16 O As of April 5, 2001?
- 17 A Yes.
- 18 Q The second paragraph, 'I am employed by the San
- 19 Francisco Unified School District (SFUSD) as Program Manager
- 20 for KALW FM, this position is also termed 'Operations
- 21 Manager'.' That statement is true and correct as of April
- 22 5, 2001?
- 23 A Yes.
- Q The next sentence reads, 'As various times over
- 25 the past several years', and I take it, it was supposed to

- 1 read 'At various times over the past several years, I have
- 2 served as KALW's acting Station Manager.' On April 5, 2001
- 3 that statement was correct?
- 4 A Yes.
- 5 Q The next sentence reads, 'I have been an employee
- of SFUSD at the radio station since 1987", that statement is
- 7 correct as of April 5, 2001?
- 8 A Yes.
- 9 Q Paragraph three, first sentence, 'SFUSD's
- 10 attorneys have provided me with a copy of a letter that will
- 11 be provided to the Federal Communications Commission (FCC)
- on behalf of SFUSD in response to a February 5, 2001 letter
- of inquiry from the Audio Services Division of the Mass
- 14 Media Bureau of the FCC (response letter) along with copies
- of several attachments to that letter.' That sentence is
- true and correct as of April 5, 2001?
- 17 A I believe it is. I don't recall, when you say
- 18 being provided with, it wasn't a hard copy wasn't, here,
- 19 here's your copy, Bill.
- Q Well, the statement reads, 'SFUSD's attorneys have
- 21 provided me with a copy of a letter that will be provided to
- 22 the Federal Communications Commission'. That would suggest
- 23 to me that the letter is in front of you, the April 5, 2001
- letter, which was filed with the FCC on April 6, 2001, was
- 25 provided to you, a copy was provided to you?

- 1 A Okay. I would agree that one was shown to me,
- 2 yes. It was provided to me.
- 3 Q 'Along with copies of the several attachments to
- 4 that letter.' Now, we haven't gone into any detail about
- 5 what those attachments are, and we will talk about them but,
- 6 do you have any recollection that what you looked at before
- 7 it went to the FCC included attachments as well as the body
- 8 of the letter?
- 9 A I don't recall that.
- 10 Q Do you have any reason to believe that it did not
- include the attachments that were filed at the FCC?
- 12 A I don't have any reason to believe that, no.
- 13 Q The next sentence reads, 'I have reviewed the
- 14 response letter and its attachments.' Now, the letter
- itself is nine pages and there are multiple pages that
- 16 follow as attachments. I didn't count them all but I think
- 17 they're in the vicinity of about 30 pages or more all
- 18 tolled, so it was actually quite a fair amount of material
- 19 to look at. AS of April 5, 2001, was that statement
- 20 accurate that you had looked at the nine pages of the body
- 21 of the letter and as well as all of the attachments?
- 22 A I can't remember on April 5, 2001, what I was
- 23 looking at.
- 24 Q Do you have any reason to believe that you did not
- look at the nine page letter as well as all of the

- 1 attachments?
- A I don't have any reason to believe I didn't, no.
- 3 Q The next sentence reads, 'It is my understanding
- 4 that this response letter is to be filed at the FCC on or
- 5 before April 6, 2001.' I take it that your understanding on
- 6 April 5, 2001 was that this letter was going to be filed at
- 7 the FCC the next day?
- 8 A Um-hum.
- 9 Q That's a yes?
- 10 A Yes.
- 11 Q The next sentence reads, 'I have personal
- 12 knowledge of the factual matters set forth in the response
- letter and its attachments.' Is that true as of April 5,
- 14 2001?
- 15 A I would say yes.
- 16 Q The next paragraph, paragraph four now, it's a one
- sentence paragraph and it reads, 'The statements and other
- 18 factual allegations contained in SFUSD's response letter are
- 19 true and correct to the best of my personal knowledge and
- 20 belief.' I take it that statement is true as of April 5,
- 21 2001?
- 22 A Yes.
- 23 Q Paragraph five, the first sentence reads, 'I am
- familiar with and have personal knowledge of the contents of
- 25 KALW's Public Inspection File.' Is that statement true and

- 1 correct as of April 5, 2001?
- 2 A Yes.
- 3 O And that's in connection with what we talked about
- 4 a little while ago, you had personally looked through the
- 5 contents of that file drawer that contained the Public
- 6 Inspection File?
- 7 A Yes.
- 8 Q You had looked at what was there?
- 9 A Yes. The next sentence reads, 'All of the
- 10 Ownership Reports and supplemental reports provided as
- 11 attachments to the response letter, are true and correct
- 12 copies of documents that are maintained in KALW's Public
- 13 Inspection File, which copies were provided to SFUSD's
- 14 counsel so that they could be included as attachments to the
- response letter and provided to the FCC.' That statement is
- true and correct as of April 5, 2001?
- 17 A Yes.
- 18 Q The next sentence reads, 'Similarly, the sample
- 19 copies of KALW's Program Guide and of the NPR
- 20 Issues/Programs List are also true and correct copies of
- documents that are maintained in KALW's Public Inspection
- File, which were provided to SFUSD's counsel so that they
- 23 could be included as attachments to the response letter and
- 24 provided to the FCC.' That statement is true and correct as
- 25 of April 5, 2001?

- 1 A Yes.
- MR. SHOOK: Now, at this point -- I quess we're
- 3 going to have to go off again.
- 4 (Off the record at 12:06 p.m.)
- 5 (ON the record at 12:12 p.m.)
- 6 MR. SHOOK: Okay, we're back on.
- 7 BY MR. SHOOK:
- 8 Q Mr. Helgeson, counsel for SFUSD has just read you
- 9 a portion, not the entirety but a portion of the response to
- directive one, that was contained in the February 5, 2001
- 11 letter from the FCC. And the response to the directive
- reads, 'On August 1, 1997, when the subject license renewal
- application was filed, did the KALW Public Inspection Files
- 14 contain all of the Ownership Report and supplemental reports
- required to be kept by then Section 73.3527?' The response
- reads, 'Yes.' Is that 'yes' response accurate?
- 17 A My knowledge of that 'yes' response was based on
- 18 Jeff Ramirez saying it was, not a personal inspection of the
- 19 file myself on August 1st.
- 20 O Did you, in coming to the conclusion that the
- 'yes' response was accurate, did you talk with Mr. Ramirez
- 22 on or about April 5, 2001?
- 23 A No, I didn't.
- Q Did you ever discuss with Mr. Ramirez the basis
- for his certification that Ownership Report and supplemental

- 1 reports required to be kept were in fact in the Public File
- 2 at the time the renewal application was signed?
- 3 A No, I didn't.
- 4 Q Did you have personal knowledge as to whether or
- 5 not all of those reports, the Ownership Reports and the
- 6 supplemental reports, were in the station Public File on
- 7 August 1, 1997?
- 8 A No, I didn't.
- 9 Q In the context of this letter, the April 6 or
- 10 April 5, 2001 letter that is being sent to the FCC, you are
- 11 the person, are you not, who is providing the 'Yes' answer
- 12 to this question?
- 13 A I don't know that on April --
- 14 Q Remember, we just went over a declaration that you
- 15 signed on April 5, 2001?
- 16 A Yes, right.
- 17 Q And according to that declaration all of the --
- 18 you had reviewed the letter that is being sent to the FCC
- 19 and that all of the information in there is correct to the
- 20 best of your knowledge?
- 21 A To the best of my knowledge was that I assumed
- 22 that what Jeff Ramirez had previously stated was correct.
- 23 Q But, you did not personally determine?
- 24 A On August 1, 1997, no, I didn't personally --
- 25 Q You had no personal knowledge as to whether on

- 1 August 1, 1997 all of the Ownership Reports and supplemental
- 2 reports were in fact in the file?
- 3 A Not on August 1, 1997.
- 4 Q Now, in connection with this April 5, 2001
- 5 response that was sent to the Commission, there were
- 6 Ownership Reports that were attached as attachments to this
- 7 letter, and I guess we have to go off again.
- 8 (Off the record at 12:16 p.m.)
- 9 (On the record at 12:19 p.m.)
- 10 MR. SHOOK: On the record.
- 11 BY MR. SHOOK:
- 12 Q Counsel for SFUSD has just gone over with you one
- of the supplements, or one of the attachments to the April
- 14 5, 2001 letter, which happened to be a copy of a 1993
- Ownership Report for KALW. The Ownership Report that
- 16 counsel has discussed with you consists of three pages and
- 17 could you tell us how those three pages came to be a part of
- 18 this April 5 letter?
- 19 A No, I can't, I don't know how it came to be part
- 20 of this letter, no.
- 21 Q Did you personally go through the KALW Public
- 22 Inspection File to come up with the three pages that now
- 23 appear as this 1993 Ownership Report?
- 24 A I can't recall if I did.
- 25 Q If you did not, did you direct somebody to do it?

- 1 A I don't recall directing anybody to.
- 2 Q Did you look at the contents of this 1993
- 3 Ownership Report prior to the time it was sent for inclusion
- 4 as part of this April 5, 2001 letter?
- 5 A I believe I did see this before, yes.
- 6 Q Did you take note of the fact that the document
- 7 itself appears to have been signed on July 30, 1997?
- 8 A I saw that.
- 9 Q Do you recall seeing it in April of 2001?
- 10 A Yes. I think I did, again --
- 11 Q Do you have any recollection whatsoever of a 1993
- 12 Ownership Report having been prepared on or about January
- 13 31, 1993, which I believe is the date that appears on the
- 14 first page there as the point in time when the information
- that it's supposed to cover?
- 16 A I don't specifically recall the 1993 Ownership
- 17 Report.
- 18 Q Now, you had mentioned that when you were looking
- 19 through the station Public File in February, March 2001, and
- 20 you had determined that there were certain documents that
- 21 weren't there, that were supposed to be there, was one such
- 22 document the 1993 Supplemental Ownership Report?
- 23 A I don't recall if this was one or not. Give that
- 24 it's signed by Mr. Rojas, in 1997 I would assume that it was
- 25 there, since he was long gone by 2001.

- 1 Q Now, in terms of the signature that appears,
- 2 certainly there's a signature that appears to be Baldomar
- Rojas, or that's the name that appears there but, then
- 4 there's a parenthesis and it looks like they're the initials
- of someone after that signature. And counsel for SFUSD has
- 6 pointed out to you that that was the case.
- 7 A Yeah.
- 8 Q And what we haven't been able to determine yet is
- 9 what that really means. Do you have any knowledge as to
- 10 whether Mr. Rojas himself actually signed this report or
- whether somebody signed his name and then indicated in the
- 12 parenthesis, you know, who it was that had done this act?
- 13 A I have no recollection whether Mr. Rojas signed it
- 14 personally or it was signed by somebody who then initialed,
- 15 put their initials next to his name to indicate whatever
- that's supposed to indicated, on July whatever 1997.
- 17 Q Would agree with me that because this document,
- the 1993 report, reflects that it wasn't signed until July
- of 1997, that the 1993 Ownership Report was not,
- 20 Supplemental Ownership Report was not in the Public File
- 21 when it was supposed to have been?
- 22 A I would assume that when they looked for it in
- 23 1997 they couldn't find it.
- 24 Q And do you have any knowledge as to how a document
- came to be prepared in 1997, that would have been in

- 1 connection with the 1993 Ownership Report?
- 2 A I didn't take any action to file that report, to
- 3 put together that report.
- 4 Q Do you have any knowledge as to who did?
- 5 A No, I don't.
- 6 THE WITNESS: Can I just ask you a question?
- 7 MR. SHOOK: If we can be helpful we'll try to be
- 8 helpful?
- 9 THE WITNESS: I was just wondering, on this one
- 10 here --
- MS. REPP: Yes.
- THE WITNESS: The initials, what it looks like to
- you as far as the initials after the name Rojas?
- MS. REPP: It looks here like an LD or an SD, it's
- 15 hard to tell.
- THE WITNESS: Okay. I would, there was an
- 17 Assistant Superintendent of Schools, Linda Davis, who was an
- 18 Assistant Superintendent at that time.
- MR. SHOOK: That's very helpful.
- 20 THE WITNESS: I'm not saying that she did it, I'm
- just saying there was somebody named LD who was an Assistant
- 22 Superintendent.
- MR. SHOOK: That's great. We've all been
- 24 wondering. I think it's a step in the right direction.
- 25 //

1	RY	MR.	SHOOK:

- Q I may have asked this and if so, I apologize.
- 3 Since Mr. Ramirez's departure as Station Manager of KALW FM,
- 4 have you had any conversations with Mr. Ramirez about the
- 5 contents of the station's Public File?
- 6 A None.
- 7 MR. SHOOK: Now, if we could take a brief look at
- 8 the 1995 Ownership Report.
- 9 (Off the record at 12:27 p.m.)
- 10 (On the record at 12:29 p.m.)
- MR. SHOOK: Back on the record.
- 12 BY MR. SHOOK:
- 13 Q Okay. Counsel for SFUSD has gone over with you
- 14 now the attachment that is identified as the 1995
- 15 Supplemental Ownership Report for KALW FM. And first off,
- do you know how the four pages that appear as the 1995
- 17 Supplemental Ownership Report came to be a part of the April
- 18 5 letter that was sent to the FCC?
- 19 A I don't know that.
- 20 Q Did you have any, do you have any recollection of
- 21 gathering the four pages that appear as the Supplemental
- 22 Ownership Report and sending it to anyone?
- 23 A I don't have any recollection of doing that.
- Q Do you have any knowledge as to who may have
- gathered the four pages and sent them off so that they could

- be included as part of this April 5 letter?
- 2 A I couldn't definitively say, no.
- Now, given that the document itself appears to
- 4 bear a signature of December 10, 1997, would that have any
- 5 impact whatsoever, in your estimation, on the 'yes' answer
- 6 that was provided to the Federal Communications Commission
- 7 in response to the directive on August 1, 1997 when the
- 8 subject license renewal application was filed, did the KALW
- 9 Public Inspection File contain all of the Ownership Report
- and supplemental reports required to be kept by then Section
- 11 73.3527?
- 12 A My understanding would be that it was there but
- when they looked -- and that's what Jeff Ramirez signed,
- when he signed on August 1st, and when he went back in to
- look for it, he couldn't find it, after the license
- 16 challenge. And so it was --
- 17 Q So, a supplemental report came to be prepared --
- 18 A -- that he believed was there.
- 19 O I see. Would you agree with me that in order for
- 20 the 'yes' answer to have been completely accurate, that on
- 21 August 1, 1997 there should have been, in the Public
- 22 Inspection File a 1995 Ownership Report that bore a date
- 23 somewhere in 1995?
- 24 A Yes.
- 25 Q Do you have any knowledge, one way or the other,

- as to whether such a report was ever prepared in 1995?
- 2 A Not to my memory.
- 3 Q Do you recall there being any discussion on or
- 4 around April 5, 2001, as to why there was no 1995 Ownership
- 5 Report that bore a date in 1995?
- A What we, when we couldn't find something that we
- 7 had assumed was there, we basically were kicking -- there
- 8 was basically a, you know, the fact that this file had been
- 9 in an open drawer in an open office came, that was what we
- 10 talked about, that I recall having that conversation.
- 11 Q You had that conversation with Nicole?
- 12 A Yes.
- 13 Q And was anybody else involved in that conversation
- 14 besides yourself and Nicole?
- 15 A No. I think out of that conversation, you know,
- the Public File was moved into her office.
- 17 Q In order to minimize the possibility of documents
- 18 simply wandering away?
- 19 A Correct.
- 20 Do you have any recollection whatsoever of being
- involved in the preparation of a 1995 Ownership Report in
- 22 December of 1997?
- 23 A I don't recall putting that together in 1997.
- 24 Q Do you recall any conversations that took place in
- December of 1997 regarding the absence of a 1995 Ownership

- 1 Report and the need to prepare a replacement of some kind?
- 2 A I don't recall a conversation other than it came
- 3 up certainly in the challenge, and out of that charge from
- 4 the Golden Gate Public Radio the Inspection File was looked
- 5 at.
- 6 Q If I remember correctly from your testimony, in
- 7 terms of looking at the Public File, you personally did not
- 8 look at the Public File until March, February, March, April
- 9 of 2001, is that correct?
- 10 A Correct.
- 11 O And when you just referenced somebody looking at
- the Public File in connection with the challenge that was
- made back in November of 1997, do you have any knowledge as
- 14 to who it was who would have looked at the Public File at
- 15 that point?
- 16 A It would have been Jeff Ramirez is my assumption.
- 17 I mean I couldn't picture anybody other than Jeff being the
- 18 one.
- 19 Q But you didn't in November or December of 1997 or
- January of 1998, that time frame, did you look at the Public
- 21 File?
- 22 A No.
- 23 Q And other than Jeff Ramirez, do you have any
- 24 knowledge as to anybody who did look at the Public File for
- 25 purposes of responding or concerning themselves with the

- challenge that had been made in November of 1997?
- 2 A I don't have any recollection of anyone else.
- Q And given what you've told us in terms of who had
- 4 responsibility for maintaining the Public File, that is the
- 5 General Manager, that it certainly would have made sense for
- 6 Mr. Ramirez to be te one to have looked in the Public File
- 7 at that time to determine the accuracy of the charges that
- 8 had been made by Golden Gate Public Radio?
- 9 A I would say so, yes.
- MR. SHOOK: Okay. We can move on to question two.
- 11 (Off the record at 12:37 p.m.)
- 12 (On the record at 12:29 p.m.)
- MR. SHOOK: On the record.
- 14 BY MR. SHOOK:
- 15 Q Okay. Mr. Helgeson, counsel for SFUSD has just
- 16 read to you at least the first portion of the response with
- 17 respect to directive two, which was to the effect or which
- reads, 'On August 1, 1997 did the KALW FM Public Inspection
- 19 File contain all of the Issues/Program Lists required by
- then Section 73.3527?' And the response that SFUSD starts,
- 21 'Yes' and then it goes on from there, and we'll talk about
- 22 that.
- 23 A Okay.
- 24 Q But, in terms of the 'yes' response, were you the
- 25 person who determined that the response should be yes?

- 1 A No, I wasn't.
- 2 Q Do you know who was?
- A I can only assume that it was Jeff Ramirez.
- 4 Q Well, okay, let me try to clarify what I'm asking
- 5 about here. We're talking now about the April 5, 2001
- 6 letter that is going to the Federal Communications
- 7 Commission, and the Commission has asked a question,
- 8 Commission staff has asked a question, or a direct, made a
- 9 directive that reads, 'On August 1, 1997 did the KALW FM
- 10 Public Inspection File contain all of the Issues/Program
- 11 Lists required by then Section 73.3527?' And the response
- that SFUSD gives to this directive is, 'Yes', and then it
- goes on from there. Now, in terms of the 'yes' response
- 14 that is made in April of 2001, are you the person who is
- 15 responding yes?
- 16 A In April of 2001, I would not have been the
- 17 person, Nicole Sawaya would have been the General Manager at
- 18 that point.
- 19 Q Just for your information, and I think counsel for
- 20 SFUSD would verify this, there is no declaration from Nicole
- 21 Sawaya as a part of this April 5, 2001 letter.
- 22 A Okay.
- 23 Q The declaration that says that the factual
- information in this letter is true and correct is from you.
- 25 A Okay.

- 1 Q So, with that in mind, are you the person
- 2 answering yes?
- 3 A Yes.
- 4 Q And do you believe that response to be accurate?
- 5 A I believe the response to be accurate.
- 6 Q Even though you have also told us that when you
- 7 looked through the Public File, in preparation for preparing
- 8 a response to the FCC's letter, that you found that there
- 9 were documents that were missing, you found that there were
- 10 documents that should have been there but weren't. I mean
- 11 did I mis-hear what you told me before?
- 12 A Do I -- yeah, I want to -- what is the 'yes' that
- 13 I'm saying 'yes' to? Yes I agree that what Jeff Ramirez
- 14 said in August 1997 --
- Okay. I'll go over it again, I'll go over it
- 16 again, okay.
- 17 A Yeah.
- 18 Q It's just a yes/no question.
- 19 A Right.
- 20 Q When you go back in time to August 1, 1997, did
- 21 the Public Inspection File contain the Issues/Programs Lists
- 22 that were required?
- 23 A The document that we filed, the district filed --
- 24 Q Listen to my question.
- 25 A Okay.

- 1 Q On August 1, 1997, did the file, did the Public
- 2 Inspection File contain the Issues/Programs Lists that were
- 3 required?
- 4 A I don't -- I didn't have knowledge of that on
- 5 August 1st 1997.
- 6 Q Okay. So, let's just say hypothetically that the
- 7 directive gives you an opportunity to really answer one of
- 8 three ways?
- 9 A Okay.
- 10 Q The first is yes, the second is no, and the third
- 11 is I don't know?
- 12 A The answer is I don't know.
- 13 Q So, on April 5, 2001, the response that should
- 14 have come from SFUSD is I don't know or we don't know?
- 15 A Personally I didn't know. I saw what Jeff had --
- 16 I was backing up what Jeff had signed, based on what Jeff
- 17 had said on August 1st, his declaration.
- 18 Q And by that you mean the box that he checked for
- 19 the application?
- 20 A Yes, if he said it was there, I'm taking Jeff's
- 21 word for it.
- 22 O I see.
- 23 A I based my 'yes' on his 'yes'.
- Q Okay. Not on a personal review that could verify,
- to your satisfaction, that the documents that were supposed

- 1 to be there were in fact there?
- 2 A True.
- 3 Q I mean when you looked, you determined that
- 4 documents were missing?
- 5 A When I looked.
- 6 Q Just before the response to this letter was
- 7 prepared?
- A If I saw something missing then we took care of
- 9 that. But as of August 1st, anything that we said by August
- 10 1st, my 'yes' is based on Jeff's 'yes'.
- 11 0 I see.
- 12 A Not on a personal review of the file on August 1,
- 13 1997.
- 14 Q And in order to confirm this 'yes' answer that was
- 15 made to the Commission in April 2001, did you talk to Jeff
- Ramirez as to whether or not the Public Inspection File did
- in fact include all of the required documents in August of
- 18 1997?
- 19 A No, I didn't.
- 20 Q Do you know of anyone who did?
- 21 A No, I don't.
- 22 Q Now, the very -- as we read through the response
- following the 'yes', the last sentence of the first
- 24 paragraph of that response reads, 'Furthermore, according to
- 25 information in the files of KALW's counsel, KALW's station